

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG

STEVEN ROBERT BROWN, BENJAMIN WEEKLEY,  
SECOND AMENDMENT FOUNDATION, and  
WEST VIRGINIA CITIZENS DEFENSE LEAGUE, INC.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:22-CV-80  
(KLEEH)

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES, MERRICK BRIAN GARLAND, U.S.  
Attorney General, in official capacity, and  
STEVEN MICHAEL DETTELBAACH, Director of the  
ATF, in official capacity,

Defendants.

**FIRST ORDER AND NOTICE REGARDING  
DISCOVERY AND SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b) and 26(f) and Local Rule of  
Civil Procedure ("L.R. Civ. P.") 16.01 and 26.01, it is hereby  
**ORDERED:**

1. Initial Planning Meeting on or before: November 17, 2022
2. Meeting Report on or before: December 1, 2022
3. Initial Disclosures on or before: December 19, 2022
4. Scheduling Conference: if necessary

(1) **Initial Planning Meeting**: Pursuant to Fed. R. Civ. P. 16  
and 26(f) and L.R. Civ. P. 16.01(b), parties to this action shall

meet in person or by telephone on or before **November 17, 2022**. At this meeting, the parties shall discuss all matters required by Fed. R. Civ. P. 16 and 26(f) and L.R. Civ. P. 16.01(b).

(2) **Meeting Report and Proposed Discovery Plan**: Pursuant to Fed. R. Civ. P. 26(f) and L.R. Civ. P. 16.01(c), the parties shall submit to this Court a **written report** on the results of the initial discovery meeting **and a completed Scheduling Order Checklist** (see attached) on or before **December 1, 2022**. The written report shall include the parties' report on those matters set forth in L.R. Civ. P. 16.01(b) (1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). The parties' report on their meeting shall be considered by this Court as advisory only. Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and L.R. Civ. P. 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

(3) **Initial Discovery Disclosures**: Pursuant to Fed. R. Civ. P. 26(a)(1) and L.R. Civ. P. 26.01(a), each party shall provide to every other party the initial discovery disclosures required under Fed. R. Civ. P. 26(a)(1) on or before **December 19, 2022**.

(4) **Telephonic Scheduling Conference**: Upon receipt of the meeting report and proposed discovery plan, this Court may conduct

a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not necessary, no conference will be scheduled, and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and L.R. Civ. P. 16.01(d).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein, along with copies of this Court's Scheduling Order Checklist.

**DATED:** October 17, 2022

Handwritten signature of Thomas S. Kleeh in black ink.

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THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA

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SCHEDULING ORDER CHECKLIST

ATTORNEYS:

	DATE:
JOIN PARTIES OR AMEND PLEADINGS	
PLAINTIFF EXPERT DISCLOSURE	
DEFENDANT EXPERT DISCLOSURE	
COMPLETION OF DISCOVERY	
MEDIATION	

DISPOSITIVE MOTIONS	
RESPONSE TO DISPOSITIVE MOTIONS	Within 21 days of the filing of the motion
REPLY TO DISPOSITIVE MOTIONS	Within 14 days of the filing of a Response
PRETRIAL DISCLOSURES, FED R. CIV. PRO. 26(a)3	
OBJECTIONS	
PROPOSED VOIR DIRE, JURY INSTRUCTIONS, VERDICT FORMS, & SPECIAL INTERROGATORIES	
OBJECTIONS	
MOTIONS IN LIMINE	
OBJECTIONS	
BIOGRAPHICAL SKETCHES	
JOINT PRE-TRIAL ORDER	
STIPULATION OF FACTS	
FINAL PRE-TRIAL/SETTLEMENT CONFERENCE	
TRIAL DATE (including number of days)	
For a non-jury trial, provide deadlines for Proposed Findings of Fact and Conclusions of Law*	

\* Parties requesting a non-jury trial should adjust the deadlines included in the checklist accordingly.